

TOWN BOARD MEETING

WEDNESDAY, NOVEMBER 7, 2007; 7:00 P.M.
NEW WINDSOR TOWN HALL
NEW WINDSOR, NEW YORK

BOARD MEMBERS PRESENT: Supervisor Green, Councilwoman Mullarkey, Councilwoman, Weyant, Councilwoman Biasotti

OTHER OFFICIALS PRESENT: Comptroller Finnegan, Town Attorney Blythe, Highway Superintendent Fayon, Deputy Police Chief Hovey

Supervisor Green called to order the Town Board meeting and presided over same.

1 On Agenda: Minutes

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor approve the Minutes of the Public Hearings regarding Amendment to Zoning Local Law and Zoning Map regarding zoning of lands of Knox Village Associates and Amendment to Chapter 280-5(C) of Vehicle and Traffic Law for a 3-Way Stop Sign at Schiavone Road and Vascello Road, and the Minutes of the Town Board Meeting all held on October 3, 2007, as per the copies posted on the Town Clerk's bulletin board in the Town Hall, and same distributed to each of the Town Board Members.

Roll Call: All Ayes

Motion Carried: 4-0

UNFINISHED BUSINESS

HIGHWAY DEPARTMENT

WATER DEPARTMENT

2 On Agenda: Motion - Authorize Supervisor To Execute Short Environmental Assessment Form – St. Anne Wells

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the Supervisor to execute Short Environmental Assessment Form for re-activating sand and gravel well and disinfection system at St. Anne's Drive and Hudson Drive commonly referred to as the St. Anne Wells, as recommended by the Town Engineer.

Roll Call: All Ayes

Motion Carried: 4-0

3 On Agenda: Motion – Authorize Town Engineer To Submit Permit Application – St. Anne Wells

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the Town Engineer, McGoe, Hauser & Edsall, Consulting Engineers, P.C., to submit all required applications to the appropriate regulatory agencies and comply with all official procedures to obtain the necessary permits for the development and operation of the St. Anne Wells.

Roll Call: All Ayes

Motion Carried: 4-0

SANITATION DEPARTMENT

GENERAL

4 On Agenda: Motion – Authorization To Levy Unpaid Water/Sewer/ Garbage Charges

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor adopt the following Resolution:

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WHEREAS, the Supervisor of the Town of New Windsor on October 29, 2007 transmitted to this Board a Statement of unpaid water, sewer and Beaver Dam Garbage charges filed with the Town Clerk on October 29, 2007 containing a brief description of the property on which water, sewer and Beaver Dam Garbage charges are unpaid, and the names of persons or corporation liable to pay the same, and the amount chargeable to each;

NOW BE IT RESOLVED, that there be levied on the 2008 Tax Roll of the Town of New Windsor against the properties set forth in said statement, and the unpaid water, sewer and Beaver Dam Garbage charges so transmitted to the Board, and that the amount thereof be set forth as Unpaid Utilities on the 2008 Tax Roll for a total of \$434,108.03;

BE IT FURTHER RESOLVED, that the amount so levied shall be placed in the warrant of the County Legislature issued to the Tax Receiver of said Town in the same manner as general taxes are levied and collected, and shall be like lien as general taxes until the amount thereof is paid.

Roll Call: All Ayes

Motion Carried: 4-0

**# 5 On Agenda: Motion – Authorization To Schedule Public Hearing –
New Windsor Rural Fire Protection District**

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor adopt the following Resolution:

WHEREAS, there has been duly established in the Town of New Windsor, a fire protection district known as the New Windsor Rural Fire Protection District located generally in the western half of the Town of New Windsor; and

WHEREAS, it is necessary pursuant to New York State Town Law for the Town Board to provide fire protection within said New Windsor Rural Fire Protection District;

NOW THEREFORE BE IT RESOLVED, that pursuant to the provisions of Section 184 of the Town Law of the State of New York, that a public hearing be held with reference to the furnishing of fire protection for the New Windsor Rural Fire Protection District on December 5, 2007, at the Town Hall, 555 Union Avenue, New Windsor, NY at 7:00 P.M., and that the Town Clerk shall cause publication of such notice of hearing in The Sentinel, a newspaper having general circulation in said fire protection district, and that such notice shall specify the time when and the place where said hearing will be held and describe in general terms the proposed contract.

Roll Call: All Ayes

Motion Carried: 4-0

**# 6 On Agenda: Receive And File Letter Of Credit –
Rolling Acres Fox Meadow, LLC**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Letter of Credit #2110 from Union State Bank in the amount of \$158,885.00 for Rolling Acres Fox Meadow, LLC (Fox Meadows Major Subdivision PB #01-51) as authorized by the Town Board on July 5, 2006.

**# 7 On Agenda: Receive And File – Order And Judgment –
Knox Village Associates V. Town Of New Windsor**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Order and Judgment dated August 31, 2007, in the Matter of Knox Village Associates v. Town of New Windsor affecting property identified as Section 70, Block 1, Lot 46.5. (Index Nos.: 11818/95;11913/96;11579/97; 11354/98; 10713/99;10886/00;11001/01 and 12142/02).

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8 On Agenda: Receive And File Permit Bond – Nannini & Callahan, Excavating, Inc.

Hearing no objection, the Town Board of the Town of New Windsor receive and file Permit Bond #S433014, submitted by Nannini & Callahan Excavating, Inc., in the amount of \$20,000.00, effective for the period of October 9, 2007 to October 9, 2008. The purpose of the Bond is to secure a permit from the Town of New Windsor to perform street openings within the Town, same being referred to the Town Attorney and the Town Highway Superintendent.

9 On Agenda: Receive And File Order With Notice Of Entry – Schmidt V. Town Of New Windsor et al (Index #2820/2004)

Hearing no objection, the Town Board of the Town of New Windsor receive and file Order with Notice of Entry in the Matter of Schmidt v. Town of New Windsor, et al, dated October 2, 2007, (Index #2820/2004).

#10 On Agenda: Receive And File Order With Notice Of Entry – Schmidt V. Town Of New Windsor, et al (Index #2006-05427 And 2006-09675)

Hearing no objection, the Town Board of the Town of New Windsor receive and file Order with Notice of Entry in the Matter of Schmidt v. Town of New Windsor, et al, dated October 2, 2007, (Index #2006-05427 and 2006-09675).

#11 On Agenda: Motion - Authorize Supervisor To Execute Lease Extension Between Town Of New Windsor And New York Communications Co., Inc.

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize Supervisor Green to execute a one year lease extension, effective March 1, 2008, between Town of New Windsor and New York Communications Co., Inc., at a lease rate of \$64,944.00 annually for police radio equipment.

Roll Call: All Ayes

Motion Carried 4-0

#12 On Agenda: Receive And File Proposal – Emergency Electrical Generator And Transfer Switch – Snake Hill Radio Tower Building

Hearing no objection, the Town Board of the Town of New Windsor receive and file a proposal from Gentech, Ltd., New Windsor, New York, which was received and publicly opened on October 25, 2007, for the purchase and installation of an emergency electrical generator and transfer switch for the Snake Hill Radio Tower Building.

#13 On Agenda: Motion - Award Bid - Emergency Electrical Generator And Transfer Switch – Snake Hill Radio Tower Building

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor award a bid in an amount not to exceed \$8,500.00 to Gentech, Ltd., New Windsor, New York for the purchase and installation of an emergency electrical generator and transfer switch for the Snake Hill Radio Tower Building in accordance with the proposal received from Gentech, Ltd. and publicly opened on October 25, 2007, in the sum of \$7,690.00.

Roll Call: All Ayes

Motion Carried 4-0

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#14 On Agenda: Motion - Authorize Supervisor To Execute Developer's Agreement - Meadowbrook Estates Subdivision

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize Supervisor Green to execute a developer's agreement between Town of New Windsor and Land Master Community Developers, LLC for the Meadowbrook Estates Subdivision as recommended by the Town Attorney.

Roll Call: All Ayes

Motion Carried 4-0

#15 On Agenda: Motion - Authorize Supervisor To Execute Developer's Agreement - Covington Estates Subdivision

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize Supervisor Green to execute a developer's agreement between Town of New Windsor and RRMGNWH, LLC for the Covington Estates Subdivision as recommended by the Town Attorney.

Roll Call: All Ayes

Motion Carried 4-0

#16 On Agenda: Motion - Authorize Supervisor To Execute License Agreement - Reed Street

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize Supervisor Green to execute a license from Town of New Windsor to Department of the Navy as attached hereto.

Roll Call: All Ayes

Motion Carried 4-0

#17 On Agenda: Receive and File Letter Of Credit -XCEL Development, LLC

Hearing no objection, the Town Board of the Town of New Windsor receive and file Letter of Credit #2006-04 from Walden Federal Savings and Loan Association in the amount of \$1,289,759.00 for Xcel Development Corporation (Briarwood Subdivision, Planning Board #01-60) as authorized by the Town Board on September 5, 2007.

#18 On Agenda: Receive and File Budget - Salisbury Mills Fire District - Fiscal Year 2008

Hearing no objection, the Town Board of the Town of New Windsor receive and file budget of the Salisbury Mills Fire District for the fiscal year 2008 as approved by the Board of Fire Commissioners on October 25, 2007.

#19 On Agenda: Receive And File Budget - Quassaick Bridge Fire District, New Windsor Fire Department - Fiscal Year 2008

Hearing no objection, the Town Board of the Town of New Windsor receive and file budget of the Quassaick Bridge Fire District, New Windsor Fire Department for the fiscal year 2008 as approved by the Board of Fire Commissioners on October 16, 2007.

#20 On Agenda: Receive And File Budget - Vails Gate Fire District - Fiscal Year 2008

Hearing no objection, the Town Board of the Town of New Windsor receive and file budget of the Vails Gate Fire District for the fiscal year 2008 as approved by the Board of Fire Commissioners on October 16, 2007.

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#21 On Agenda: Receive And File Certificate Of Insurance – First Columbia International Group, LLC – STAS Property Site

Hearing no objection, the Town Board of the Town of New Windsor receive and file certificate of insurance for the STAS property site naming the Town of New Windsor as an additional insured.

#22 On Agenda: Motion – Authorize Supervisor To Execute Agreement For Nuisance Wildlife Control At New Windsor Landfill

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Agreement between the Town of New Windsor and Richard Krol to provide nuisance wildlife control at the New Windsor Landfill for a cost not to exceed \$1,300.00. Said Agreement is effective from January 1, 2008 to December 31, 2008.

Roll Call: All Ayes

Motion Carried 4-0

#23 On Agenda: Motion – Accept New Windsor Planning Board Report – Special Use Permit – Knox Village Active Adult Community

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor adopt the following resolution:

WHEREAS, an application was made to the Town Board of the Town of New Windsor for a Special Use Permit by Knox Village Associates (the “applicant”) for a project described as the “Knox Village Active Adult Community” development; and

WHEREAS, the subject site consists of 14.21 acres of land and comprised of one tax map parcel in the Town of New Windsor identified on the tax map as section 70, block 1, and lot 49.2 located near New York State Route 32; and

WHEREAS, the action involves a request for a Special Use Permit and site plan approval of one hundred eighty three (183) one and two-bedroom housing units to be restricted as senior housing, and related site improvements; and

WHEREAS, the proposed development is subject to the Town of New Windsor Zoning Code § 300-18(J) setting forth the procedures applicable for senior citizen housing Special Use Permits; and

WHEREAS, New York General Municipal Law § 239 requires the referral of both the Special Use Permit and site plan applications to the Orange County Planning Department (“OCPD”) for its review and comment; and

WHEREAS, the Town Board referred the application to the Planning Board for its consideration and report pursuant to Zoning Law § 300-18(J)(3); and

WHEREAS, on October 24, 2007 the Planning Board determined that the site is appropriate for the location of senior housing, and recommended that the Town Board grant the Special Use Permit upon the completion of the Planning Board’s SEQRA review; and

WHEREAS, the Town Board wishes to acknowledge receipt of the Planning Board’s report, and to take certain procedural steps in connection with the Special Use Permit application;

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NOW, THEREFORE, the Town Board resolves as follows that:

1. The Town Board acknowledges receipt of the Planning Board’s report recommending, subject to certain conditions, that the Special Use Permit be granted; and
2. The Town Board acknowledges and consents to the Planning Board’s intent to declare lead agency for SEQRA purposes upon the receipt and review of the site plan application; and
3. The Town Board acknowledges that New York General Municipal Law § 239 requires the referral of both the Special Use Permit and site plan applications to OCPD for its review and comment, and hereby authorizes a joint coordinated referral to OCPD when, in the Planning Board’s determination, the site plan application is complete and ready for referral; and
4. In accordance with the requirements of SEQRA, the Town Board defers further action on the application for a Special Use Permit until the Planning Board completes the coordinated SEQRA review.

Roll Call: All Ayes *Motion Carried 4-0*

#24 On Agenda: Receive and File Proposals To Assist In Preparation Of Base Reuse Plan – USARC – Stewart Airport

Hearing no objection, the Town Board of the Town of New Windsor, acting as the Local Redevelopment Authority, receive and file proposals from Stuart Turner & Associates, Planning Consultants, 2 Executive Boulevard, Suffern, New York, and Bay Area Economics, Fellenzer Engineering, LLP, 8630 Fenton Street, Silver Spring, Maryland, to assist the Town of New Windsor in the preparation of the Base Reuse Plan – USARC – Stewart Airport, Town of New Windsor, Orange County, New York.

#25 On Agenda: Motion – Award Proposal To Stuart Turner & Associates To Assist In Preparation Of Base Reuse Plan For Stewart BRAC

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor acting as the Local Redevelopment Authority, award Stuart Turner & Associates, Planning Consultants, 2 Executive Boulevard, Suffern, New York, to assist in the Reuse Plan for Stewart BRAC in the amount of \$50,000, as per the recommendation of Town of New Windsor Engineer, Richard McGoey.

Roll Call: All Ayes *Motion Carried 4-0*

#26 On Agenda: Officials Reports

The following reports were received, recorded and filed with the Town Clerk:

Building Department	Month of September 2007
Fire Prevention	Month of October 2007
Justice Richard Thorpe	Month of October 2007
Justice Donald Suttlehan	Month of October 2007
Receiver of Taxes (Water-Sewer-Garbage)	Month of October 2007
Recreation Department	Month of October 2007
Town Clerk	Month of October 2007

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#27 On Agenda: Public Forum

Supervisor Green asked if any of the Town Board members had any comments they wished to make and then opened the public forum portion of the meeting.

Larry Reis congratulated the Supervisor, the Comptroller and Town Board for doing an excellent job on the budget and holding the increase to less than six percent when this year included some extraordinary expenses like the oil spill, several lawsuits which were settled, the Mt. Airy Sports Complex and the master plan update.

Eric Rafael congratulated all the election winners. He then spoke about the Nextel tower and he feels it does not need to be located at the selected site as Nextel already has good coverage in this area. He feels he has some responsible sources that say that cell towers do create adverse health effects. He said the Town Board should find a solution for the Vails Gate Fire Department so they do not have to rent space to Nextel. He also said that when the public hearing is held for the cell tower, he will be submitting petitions against it.

Hearing no one else wishing to speak, Supervisor Green entertained a motion to close the public forum.

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor close the Public Forum portion of the meeting.

Roll Call: All Ayes

Motion Carried: 4-0

#28 On Agenda: Adjourn

Motion by Councilwoman Biasotti, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor adjourn the Town Board meeting at 7:30 P.M.

Roll Call: All Ayes

Motion Carried: 4-0

Respectfully submitted,

DEBORAH GREEN
TOWN CLERK

/clc